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Letter dated 25 April 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my predecessor's letter of 23 February 2005 (S/2005/120). The Counter-Terrorism Committee has received the attached fifth report from Algeria submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 25 April 2005 from the Permanent Representative of Algeria to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

[Original: French]

On instructions from my Government and further to your predecessor's letter of 26 January 2005, I have the honour to transmit to you herewith the fifth report of Algeria, containing the response to the comments and questions of the Counter-Terrorism Committee concerning the fourth report submitted by Algeria on 16 July 2004 pursuant to paragraph 6 of resolution 1373 (2001) (see enclosure).

The Government of Algeria stands ready to provide the Committee with any further information that it may require or request.

(*Signed*) Abdallah **Baali**
Ambassador
Permanent Representative

Enclosure

[Original: French]

Fifth report of the People's Democratic Republic of Algeria on the implementation of Security Council resolution 1373 (2001)

1. Implementation measures

Act on the suppression of the financing of terrorism and money-laundering

1.1 The Act on the prevention and combating of money-laundering and the financing of terrorism was approved by Parliament and promulgated on 6 February 2005 as Act No. 05-01 (Official Gazette No. 11 of 9 February 2005). The Act has entered into force and is immediately applicable.

On the question of modifications of the Penal Code, it is generally accepted that, in accordance with the principle of parity, the Act on money-laundering is of equal value to the act establishing the Penal Code. The legal effects are the same and, in order to avoid duplication, the reference to be used by judges will be one legislative text, namely the Act on the suppression of the financing of terrorism and money-laundering.

The aforementioned Act No. 05-11 provides in its chapter V for penal measures whose nature it will be for the judge to determine and financial penalties that will vary according to the situation from 5,000 to 10,000 dinars (article 31) and may be as much as 5 million dinars (article 34).

Transfer of money through the "hawala" system

1.2 Hawala, as a procedure for the transfer of money, is not practised in Algeria. The Algerian banking system does not favour this method of payment and transfer. Informal transfers are illegal and are punished by law.

Financial flows from Algeria to the rest of the world go through banks and approved intermediaries in accordance with the provisions of order No. 03-11 of 26 August 2003 on money and credit.

Furthermore, order No. 96-22 of 9 July 1996 on the punishment of infringements of the regulations on foreign exchange and transfers of capital to and from other countries makes non-compliance with the relevant legal procedures an offence, punishable by imprisonment, and extends liability for such acts to all physical or legal persons.

In addition to the official channels of banks and financial institutions, the regulations authorize any approved institution to transfer capital in accordance with commercial contracts between Algerian companies and their foreign partners or to transfer the profits of companies legally established in Algeria.

Western Union, which is officially established in Algeria, is authorized to make transfers through the Algerian banking and postal network. Activities of foreign exchange offices are regulated. The opening of a foreign exchange office is subject to the agreement of the Bank of Algeria on the basis of an identification file. Monitoring and registration procedures are in place to check that operations are

carried out in accordance with legal requirements. Foreign exchange offices are also required to make periodic declarations.

Expatriate personnel working in Algeria under commercial contracts are issued a work permit by the Ministry of Labour and Social Affairs. They may, on the basis of their contract of employment, transfer part of their income through the official transfer channels available for that purpose. Bank accounts opened by expatriate personnel must be duly identified in the record of the transaction.

Algerian foreign exchange regulations limit to 7,500 euros the amount of funds (coins and bank notes) that can be exported by Algerian nationals. This sum is required to be issued by a bank, with a supporting document, failing which legal proceedings will be instituted against the offender. The aforementioned amount may not be exceeded unless duly authorized by the Bank of Algeria.

Foreign nationals are required to declare at Algerian border posts the amount of cash being brought into Algeria.

Protocol concerning fixed platforms

1.3 The Protocol is the last of 12 existing instruments that has not yet been ratified by Algeria. The procedure for the ratification of the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf has been initiated. The Protocol will be ratified as soon as possible.

The ISPS Code

1.4 In accordance with the recommendations of the International Maritime Organization concerning ship security codes (the International Code for the Security of Ships and Port Facilities — ISPS Code), Algeria has established a comprehensive national security system for port facilities.

Algeria has registered the entry into force of executive decree No. 04-418 of 20 December 2004 on designation of the competent authorities for ship and port facility safety. This regulatory text provides for the practical implementation of the organizational arrangements outlined in order No. 95-24 of 25 December 1995 on protection of the public heritage and the security of persons.

Within this framework, implementation bodies have been established, together with a technical secretariat of the national commission on the classification of sensitive sites, safety committees for civilian commercial ports, port security boards and a wide-ranging internal port facility safety system.

The aim of this reorganization is to meet the demands of the ISPS Code in order to respond more effectively to the new security and safety requirements in ports and ships and to conform to international security standards pertaining to operations between ships and land facilities.

The following measures have been taken within the framework of the implementation of the ISPS Code:

- identification of 11 port facilities subject to the ISPS Code;
- accreditation of classification societies that are members of the International Association of Classification Societies (IACS) and other safety bodies in order

to assist national shipbuilders and port authorities in implementing the ISPS Code;

- launching of assessment and preparation operations for ship and port safety plans;
- certification by Recognized Security Organizations (RSOs) of ships flying the national flag;
- issuance by the maritime authority of international ship safety certificates for all national shipping engaged in international trading operations for a period of five years;
- transmission to the International Maritime Organization of Algeria's report on the status of implementation of the ISPS Code.

Moreover, on 27 February 2005, Algeria organized in collaboration with its American partner Northeast Maritime Institute (NMI) a maritime and port safety drill involving 11 commercial ports and 17 ships of the maritime oil transportation company.

Exercise controller training and incident command system training courses have been started for members of the National Committee for Maritime and Port Security. National study days have also been organized for maritime and port administration managers and personnel in order to acquaint and familiarize them with the new measures introduced by the ISPS Code.

2. Assistance and guidance

As regards technical cooperation, Algeria is seeking resolutely with its partners to establish lasting cooperation in the fight against terrorism. To this end it has concluded a series of cooperation agreements and legal aid and mutual assistance conventions and is negotiating others.

As the host country of the African Centre for Study and Research on Terrorism, Algeria intends to develop the capacities of the Centre and contribute to the development of its activities. The collaboration of other partners and of international bodies and centres for assistance, research and training will enable the Centre to discharge its mandate effectively and play its role as a credible partner in the fight against international terrorism.